

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO.
v.	:	DATE FILED:
BRIHANY BAKER	:	VIOLATIONS:
	:	18 U.S.C. § 371 (conspiracy – 1 count)
	:	18 U.S.C. § 924(a)(1)(A) (making false
	:	statements to a federal firearms licensee –
	:	1 count)

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

1. Clayton's Range, in Horsham, Pennsylvania, possessed a federal firearms license ("FFL") and was authorized to deal in firearms under federal laws.
2. FFL holders are licensed, among other things, to sell firearms. Various rules and regulations, promulgated under the authority of Chapter 44, Title 18, United States Code, govern the manner in which FFL holders are permitted to sell firearms.
3. The rules and regulations governing FFL holders require that a person seeking to purchase a firearm fill out a Firearm Transaction Record, ATF Form 4473 ("Form 4473"). Part of the Form 4473 requires that the prospective purchaser certify that all his or her answers on Form 4473 are true and correct. Question 11.a. of the Form 4473 requires that the prospective purchaser certify truthfully, subject to penalties of perjury, that he or she is the actual buyer of the firearm. The Form 4473 contains the following language in bold type: **"Warning:**

You are not the actual transferee/buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer the firearm(s) to you. In the certification section of the Form 4473, the actual buyer must certify that his or her answers to the questions on the form are “true, correct, and complete,” and acknowledge by his or her signature that “making any false oral or written statement . . . is a crime punishable as a felony under Federal law, and may also violate State and/or local law.”

4. FFL holders are required to maintain a record, in the form of a completed Form 4473, of the identity of the actual buyer of firearms sold by the FFL holder, to ensure that the person was not prohibited from purchasing a firearm. For example, convicted felons are persons prohibited by law from buying firearms.

5. A person who purchases a firearm at the behest of another person and falsely states on the Form 4473 that he or she is the actual buyer of the firearm is known as a “straw purchaser.”

6. From on or about July 1, 2020, through on or about July 9, 2020, in Horsham, in the Eastern District of Pennsylvania, defendant

BRIHANY BAKER

conspired and agreed, together with Person 1, known to the grand jury, to commit an offense against the United States, that is, to make a false statement with respect to the information required to be kept in the records of a federally licensed firearms dealer, in violation of Title 18, United States Code, Section 924(a)(1)(A).

MANNER AND MEANS

It was part of the conspiracy that:

7. Defendant BRIHANY BAKER used money provided by Person 1 to purchase firearms for Person 1 from Clayton's Range. Defendant BAKER purchased firearms with the money supplied by Person 1, and when doing so, falsely stated on the Form 4473 that she completed for the purchase that she was the actual purchaser of the firearms.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its object, the following overt acts, among others, were committed in the Eastern District of Pennsylvania or elsewhere:

1. On or about July 1, 2020:

- a. Defendant BRIHANY BAKER travelled with Person 1 to Clayton's Range in Horsham, Pennsylvania to purchase firearms for Person 1.
- b. Defendant BAKER attempted to, but was unable to complete, the purchase of three firearms.
- c. Person 1 supplied \$200 that was used by defendant Baker to place a deposit and a hold on three firearms including: 1) a Taurus, Model G3, 9mm semi-automatic pistol, bearing serial number ABE610985; 2) a Taurus, Model G3, 9mm semi-automatic pistol, bearing serial number ABG640702; and 3) a KelTec, Model PMR30, 22WMR caliber semi-automatic pistol, bearing serial number WXJM77.

2. On or about July 9, 2020:

- a. Defendant BRIHANY BAKER travelled with Person 1 to Clayton's Range in Horsham, Pennsylvania to complete the purchase of the three firearms for Person 1.

b. Defendant BAKER completed the purchase of the three firearms with money provided by Person 1, and, while doing so, defendant Baker again falsely stated on the Form 4473 for the purchase that she was the actual purchaser of the firearms when in fact, she knew she was not.

c. Person 1 took possession of all three firearms after the purchase was completed.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 7 and Overt Acts 1 and 2 of Count One are incorporated here.

2. From on or about July 1, 2020, through on or about July 9, 2020, in Horsham, in the Eastern District of Pennsylvania, defendant

BRIHANY BAKER,

in connection with the acquisition of firearms, that is, a Taurus, Model G3, 9mm semi-automatic pistol, bearing serial number ABE610985; a Taurus, Model G3, 9mm semi-automatic pistol, bearing serial number ABG640702; and a KelTec, Model PMR30, 22WMR caliber semi-automatic pistol, bearing serial number WXJM77, from Clayton's Range, an FFL holder, knowingly made a false statement and representation with respect to information required by the provisions of Chapter 44, Title 18, United States Code, to be kept in the FFL holder's records, in that defendant BAKER falsely certified on the Form 4473 that she was the actual purchaser of the firearms listed on the Form 4473, when in fact, as defendant knew, this statement was false and fictitious.

All in violation of Title 18, United States Code, Section 924(a)(1)(A).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

As a result of the violations of Title 18, United States Code, Sections 371 and 924(a)(1)(A) set forth in this indictment, defendant

BRIHANY BAKER

shall forfeit to the United States of America all firearms involved in the commission of such violations, including:


1. a Taurus, Model G3, 9mm semi-automatic pistol, bearing serial number ABE610985;
2. a Taurus, Model G3, 9mm semi-automatic pistol, bearing serial number ABG640702; and
3. a KelTec, Model PMR30, 22WMR caliber semi-automatic pistol, bearing serial number WXJM77.

All pursuant to Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 924(d).

A TRUE BILL:



FOREPERSON


WILLIAM M. McSWAIN
United States Attorney